

**CITY OF EL PASO, TEXAS
AGENDA ITEM
DEPARTMENT HEAD'S SUMMARY FORM**

DEPARTMENT: City Development

AGENDA DATE: January 22, 2013, Consent

CONTACT PERSON NAME AND PHONE NUMBER: Mirian Spencer, (915) 541-4482, spencermd2@elpasotexas.gov

DISTRICT(S) AFFECTED: 8

SUBJECT:

A resolution that the sale and service of alcoholic beverages by VKDT, LLC on behalf of Hun Seo and Jose A. Fong at the outdoor patio café located within portions of the alley between Durango Street and Anthony Street behind the property located at 504 West San Antonio Avenue, Suite C, El Paso, Texas, is a permissible activity (NESV12-00038) District 8.

BACKGROUND / DISCUSSION:

The applicants are requesting permission to sell and serve alcoholic beverages within the outdoor patio café adjacent to the property at 504 W. San Antonio Avenue, Suite C. The applicants have been approved administratively for a special privilege permit for the outdoor patio café by the City Development Department.

The Texas Alcoholic Beverage Commission (TABC) requires City Council approval for the sale and serving of alcoholic beverages within City right-of-way. The applicants are required to maintain all applicable TABC licenses and insurance for the duration of the term of the special privilege permit.

PRIOR COUNCIL ACTION:

N/A

AMOUNT AND SOURCE OF FUNDING:

N/A

BOARD / COMMISSION ACTION:

N/A

*****REQUIRED AUTHORIZATION*****

DEPARTMENT HEAD:

Mathew S. McElroy, Director
City Development Department

Information copy to appropriate Deputy City Manager

R E S O L U T I O N

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

WHEREAS, Hun Seo and Jose A. Fong (hereinafter referred to as “Grantees”) have received administrative approval for a Special Privilege Permit for the use of portions of City right-of-way within the alley between Durango Street and Anthony Street behind the property located at 504 West San Antonio Avenue, Suite C for the construction, maintenance, use and repair of an outdoor patio café; and

WHEREAS, the Grantees desire to obtain a permit or license from the Texas Alcoholic Beverage Commission (TABC) for the sale and service of alcoholic beverages in conjunction with the outdoor patio café; and

WHEREAS, the Grantees have authorized VKDT, LLC (hereinafter referred to as “Licensee”) to provide for the sale and service of alcoholic beverages within the outdoor patio cafe; and

WHEREAS, TABC requires El Paso City Council to approve the sale and service of alcoholic beverages within City right-of-way as a permissible activity; and

WHEREAS, as a prerequisite for approval by the City, Grantees and Licensee shall obtain and maintain public liability insurance coverage for personal injury or death and liquor liability insurance, each of which shall name the City as additionally insured for the duration of the Special Privilege Permit; and

WHEREAS, Grantees and Licensee shall maintain for the duration of the Special Privilege Permit, and provide to the City, a current copy of the annual mixed-beverage permit, beverage cartage permit, and mixed beverage late hours permit issued by TABC for the sale and service of alcoholic beverages.

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the sale and service of alcoholic beverages by VKDT, LLC on behalf of Hun Seo and Jose A. Fong at the outdoor patio café located within portions of the alley between Durango Street and Anthony Street behind the property located at 504 West San Antonio Avenue, Suite C, El Paso, Texas, is a permissible activity.

ADOPTED this ____ day of _____, 2013.

(Signatures begin on following page)

THE CITY OF EL PASO

ATTEST:

John F. Cook,
Mayor

Richarda Duffy Momsen,
City Clerk

APPROVED AS TO FORM:

APPROVED AS TO CONTENT:

Lauren K. Ferris
Assistant City Attorney

Mathew S. McElroy, Director
City Development Department